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*ADMITTED IN DC ONLY

April 28, 2015

Re: *HLP Properties, LLC, et al. v. Consolidated Edison Company of New York, Inc.* Docket No. 14-CV-1383(LGS)

Dear Judge Schofield:

Pursuant to Paragraph 21 of the Protective Order dated October 20, 2014, Dkt. 117 (which incorporates the Court's Individual Rule I(C)(3)), I write on behalf of Defendant Consolidated Edison Company of New York, Inc. ("Con Edison") regarding the attached Letter with Exhibit A to Your Honor that Con Edison is submitting pursuant to the Court's April 21, 2015 Order. The highlighted portions of the Letter and Exhibit A reflect material designated as confidential by Plaintiffs. Con Edison is amenable to redacting the highlighted language should the Court determine that such redactions are in order. *See* Individual Practice Rule I(C)(3).

Respectfully submitted,

/s/ Thomas J. Kavaler

Thomas J. Kavaler

The Honorable Lorna G. Schofield
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

VIA EMAIL

cc: Counsel of record

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April 28, 2015

Re: *HLP Properties, LLC, et al. v. Consolidated Edison Company of New York, Inc.* Docket No. 14-CV-1383(LGS)

Dear Judge Schofield:

I represent Con Edison in the above referenced matter. Pursuant to the Court's April 21, 2015 Order, I submit this letter and Exhibit A attached hereto to identify ten documents relating to Plaintiffs' outside environmental consultant that have been withheld as privileged. (ECF 240). Con Edison has selected ten documents and has reproduced the associated ten entries in Exhibit A exactly as they appear on Plaintiffs' privilege log except that Con Edison has identified with the ± symbol the following five individuals that appear in Exhibit A as employees of Plaintiffs' outside environmental consultant, Langan Engineering & Environmental Services:

- Joel Landes
- Michael Burke
- Gerald Nicholls
- Andy Ciancia
- Gregory Biesiadecki

Respectfully submitted,

/s/ Thomas J. Kavaler

Thomas J. Kavaler

The Honorable Lorna G. Schofield
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

VIA EMAIL

cc: Counsel of record

Exhibit A to Con Edison's April 28, 2015 Letter
Con Edison's Ten Entries from Plaintiffs' Privilege Log Produced on March 5, 2015
HLP Properties, LLC et al v. Consolidated Edison Company of New York, Inc., 14-CV-1383

<u>Log No.</u>	<u>Bates Beg</u>	<u>Document Date</u>	<u>Author</u>	<u>To</u>	<u>CC</u>	<u>BCC</u>	<u>Privilege Description Sentence</u>	<u>Attachment Log # Reference</u>	<u>Priv Parent Log Reference</u>	<u>Privilege Type</u>	<u>Attachment</u>	<u>Withheld/ Redacted</u>
P558		*01/19/2011 ¹	Landes, Joel±	DeBode, Gary; Cantor, Andrew			Email reflecting confidential attorney-client communications regarding negotiations with Con Edison.			AC		Withheld
P559		*01/20/2011	Landes, Joel±	DeBode, Gary; Cantor, Andrew	Burke, Michael±		Email reflecting confidential attorney-client communications regarding remediation issues.			AC		Withheld
P10600		03/28/2012	Michael D. Burke±				Draft report reflecting confidential attorney-client communications with Jennifer Coghlan* ² regarding remediation issues.		(Attached to and referenced in P10599.)	AC	Yes	Withheld
P19491		12/05/2012	Larry Perez	Gerald Nicholls±; Michael D. Burke±	Gary Dorin*; Gary DeBode; Victoria Morrison*; Mat Davis; Jennifer Coghlan*; Joel Landes±		Email reflecting a request for legal advice regarding remediation issues.			AC		Withheld

¹An asterisk next to a date indicates that the date is an estimate based on the contents of the document described in that log entry.

²Attorney names have been marked with asterisks for convenience.

± indicates an employee of Langan Engineering and Environmental Services

<u>Log No.</u>	<u>Bates Beg</u>	<u>Document Date</u>	<u>Author</u>	<u>To</u>	<u>CC</u>	<u>BCC</u>	<u>Privilege Description Sentence</u>	<u>Attachment Log # Reference</u>	<u>Priv Parent Log Reference</u>	<u>Privilege Type</u>	<u>Attach-ment</u>	<u>Withheld/ Redacted</u>
P21733		09/08/2011	Andrew Cantor	Michael D. Burke±	Joel Landes±; Gerald Nicholls±		Email reflecting confidential attorney-client communications with Legal* regarding investigation or remediation costs/damages.	(Attachment (s) found at P21734.)		AC		Withheld
P21754		08/12/2013	Michael D. Burke±	Gerald Nicholls±			Email reflecting confidential attorney-client communications with Jennifer Coghlan* regarding development issues.			AC		Withheld
P31417		04/03/2013	Joel Landes±	Michael D. Burke±			Email reflecting confidential attorney-client communications with Jennifer Coghlan* and Jeffrey Gracer* regarding site investigation or contamination issues.			AC		Withheld
P31422		04/05/2013	Burke, Michael±	HLP Properties	Coghlan, Jennifer*; Ciancia, Andy±; Landes, Joel±; Biesiadecki, Gregory±; Morrison, Victoria*		Memorandum reflecting confidential attorney-client communications regarding remediation issues.	(Attached to and referenced in P31418.)	AC	Yes		Withheld
P33440		4/9/2012	Langan Engineering and Environmental Services±				Draft report reflecting confidential attorney-client communications with Christine Leas* regarding remediation issues.			AC		Withheld
P31459		07/25/2013	Gerald Nicholls±	Joel Landes±	Michael D. Burke±		Email reflecting confidential attorney-client communications with Gary Dorin* and Jennifer Coghlan* regarding remediation issues.			AC		Withheld